

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEROME McFALL,	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 06-778
	)	Judge Joy Flowers Conti/
MICHAEL J. ASTRUE, Commissioner	)	Magistrate Judge Amy Reynolds Hay
of Social Security,	)	
Defendant	)	

**ORDER**

AND NOW, this 13th day of July, 2007, after the Plaintiff, Jerome McFall, filed an action in the above-captioned case, and after Motions for Summary Judgment were filed by the parties, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the motions and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed by Plaintiff [9] is DENIED;

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant [14] is GRANTED;

IT IS FURTHER ORDERED that the decision of the Commissioner denying Plaintiff's application for disability insurance benefits is affirmed.;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules

of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

/s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

cc: Karl E. Osterhout, Esq.  
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